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PATENT APPLICATION

ATTORNEY DOCKET NO. 10005683-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Kevin A. Deats

Confirmation No.: 4778

Application No.: 09/873,689

Examiner: Gold, Avi

Filing Date: 6-4-01

Group Art Unit: 2157

Title: Method and System for Reporting Event Data to Requesting Subscribers

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 10-13-06.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$450

☐ 3rd Month
\$1020

☐ 4th Month
\$1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

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Respectfully submitted,

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By David R. Risley

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Kevin A. Deats

Serial No.: 09/873,689

Filed: June 4, 2001

Group Art Unit: 2157

Examiner: Gold, Avi

Docket No. 10005683-1

For: **Method and System for Reporting Event Data to Requesting Subscribers**

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief under 37 C.F.R. § 41.37 is submitted in support of the Notice of Appeal filed October 13, 2006, responding to the Final Office Action mailed July 13, 2006.

It is not believed that extensions of time or fees are required to consider this Appeal Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 08-2025.

10/27/2006 AWONDAF1 00000132 082025 09873689

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I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no known related appeals or interferences that will affect or be affected by a decision in this Appeal.

III. Status of Claims

Claim 4 has been canceled leaving claims 1-3 and 5-20 remaining. Each of those claims stand finally rejected. No claims have been allowed. The final rejections of claims 1-3 and 5-20 are appealed.

IV. Status of Amendments

This application was originally filed on June 4, 2001, with seventeen (17) claims. In a Response filed September 24, 2004, Applicant amended claims 1, 2, 5, 6, and 8-17, canceled claim 4, and added new claims 18-20. In a Response filed February 17, 2005, Applicant amended claims 10 and 18. In a Response filed October 13, 2005, Applicant amended claims 1, 13, 17, and 19.

All of the above-identified claim amendments/additions have been entered and no other claim amendments/additions have been made. The claims in the attached Claims Appendix (see below) reflect the present state of those claims.

V. Summary of Claimed Subject Matter

The claimed inventions are summarized below with reference numerals and references to the written description ("specification") and drawings. The subject matter described in the following appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Independent claim 1 describes a method for reporting event data to requesting subscribers using a manufacturing repository (14, Fig. 3) for collecting event data that is connected to a subscriber profile system (30, Fig. 3) for storing information relating to subscribers and a production system (20, Fig. 3) for storing information relating to manufacturing. The method of claim 1 comprises gathering event data from a plurality of peripheral devices connected to the manufacturing repository, the event data relating to events that have occurred at the peripheral devices. *Applicant's specification*, page 3, lines 3-5; page 6, lines 7-10; page 9, lines 15-16; Figure 6, item 74.

The method of claim 1 further comprises saving the event data to a database. *Applicant's specification*, page 3, lines 3-5; page 4, lines 21-25; page 9, lines 15-16; Figure 6, item 76.

The method of claim 1 further comprises automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles.

Applicant's specification, page 3, lines 3-6; page 4, lines 25-26; page 9, lines 16-22; Figure 6, items 84,86, 88.

The method of claim 1 further comprises selectively generating periodic subscription reports according to criteria indicated by the subscriber profiles. *Applicant's specification*, page 3, lines 3-8; page 4, line 26 to page 5, line 3; page 10, lines 3-9; Figure 6, items 106, 110, 112.

The method of claim 1 further comprises automatically sending periodic subscription reports to designated subscribers according to criteria indicated by the subscriber profiles. *Applicant's specification*, page 10, lines 17-19; Figure 6, item 124.

Independent claim 17 describes a computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when executed causes a computer to gather event data from a plurality of peripheral devices connected to a manufacturing repository, the event data relating to events that have occurred at the peripheral devices. *Applicant's specification*, page 3, lines 3-5; page 6, lines 7-10; page 9, lines 15-16; Figure 6, item 74.

The product of claim 17 further comprises program code that causes a computer to save the event data to a database. *Applicant's specification*, page 3, lines 3-5; page 4, lines 21-25; page 9, lines 15-16; Figure 6, item 76.

The product of claim 17 further comprises program code that causes a computer to automatically notify designated subscribers about logged events according to criteria indicated by subscriber profiles. *Applicant's specification*, page 3, lines 3-6; page 4, lines 25-26; page 9, lines 16-22; Figure 6, items 84,86, 88.

The product of claim 17 further comprises program code that causes a computer to selectively generate periodic subscription reports according to criteria indicated by the subscriber profiles. *Applicant's specification*, page 3, lines 3-8; page 4, line 26 to page 5, line 3; page 10, lines 3-9; Figure 6, items 106, 110, 112.

The product of claim 17 further comprises program code that causes a computer to automatically send the periodic subscription report to designated subscribers according to criteria indicated by the subscriber profiles. *Applicant's specification*, page 10, lines 17-19; Figure 6, item 124.

VI. Grounds of Rejection to be Reviewed on Appeal

The following grounds of rejection are to be reviewed on appeal:

1. Claims 1-3, 5-12, 17, 18, and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ghannam, et al.* ("Ghannam," U.S. Pat. No. 6,651,062) in view of *Barrett, et al.* ("Barrett," U.S. Pat. No. 5,568,612) and further in view of *Schwartz, et al.* ("Schwartz," U.S. Pat. No. 5,913,032).

2. Claims 13-16 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ghannam, Barrett, and Schwartz* in view of *Bowman-Amuah* (U.S. Pat. No. 6,571,282).

VII. Arguments

The Appellant respectfully submits that Applicant's claims are not anticipated under 35 U.S.C. § 103, and respectfully requests that the Board of Patent Appeals overturn the final rejections of those claims at least for the reasons discussed below.

Claim Rejections - 35 U.S.C. § 103(a)

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. See *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.

In the present case, the prior art does not teach or suggest all of the claim limitations, and there is no suggestion or motivation in the prior art to modify the references to include those limitations.

A. Rejection of Claims 1-3, 5-12, 17, 18, and 20

Claims 1-3, 5-12, 17, 18, and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ghannam, et al.* (“Ghannam,” U.S. Pat. No. 6,651,062) in view of *Barrett, et al.* (“Barrett,” U.S. Pat. No. 5,568,612) and further in view of *Schwartz, et al.* (“Schwartz,” U.S. Pat. No. 5,913,032). Applicant respectfully traverses this rejection.

1. The Ghannam Disclosure

Ghannam discloses a method and system for managing data for use by data applications. As described by Ghannam, the disclosed system includes a data management system 210 that receives information from one or more data sources, processes the information according to policies, and stores the information in a data warehouse. *Ghannam*, column 4, lines 37-40. The “data sources” that provide data to the data warehouse comprise “management servers, network entities or any other source of management data.” *Ghannam*, column 6, lines 29-30. The data warehouse can then be “accessed by applications that perform analysis with the data.” *Ghannam*, column 4, lines 40-42. Accordingly, the Ghannam system merely collects and stores data that users can access, at their own initiative, using an appropriate “application.” Example applications include SQL, ODBC, and COBRA. *Ghannam*, column 7, lines 42-44.

Ghannam further discloses a graphical user interface for configuring a “network link report.” *Ghannam*, column 27, lines 15-28. Notably, however, that interface is *not* used to configure or schedule notifications or reports that are sent to subscribers. Instead, the report is manually accessed by users.

2. The Barrett Disclosure

Barrett discloses a method and apparatus for advertising. As is described by Barrett, the method and apparatus are used to advertise two network servers from a single network node in a LAN communication system that supports advertising only a single server from any one node. See Barrett Abstract.

In the detailed description of the reference, Barrett describes an “automatic logging function.” As stated by Barrett:

As described earlier with respect to FIG. 5A, Steps S9 through S12 comprise an automatic logging function in which peripheral statistics (e.g., number of pages printed per day) and error events are automatically logged (stored) for later retrieval; and wherein the logging level (statistical resolution) may be varied by the network administrator. In general, the network administrator may select a logging level, and then extract printer statistics and error events from the log file at any time.

Barrett, column 44, lines 18-26.

3. The Schwartz Disclosure

Schwartz discloses a system and method for automatically distributing shared object data through electronic mail. As is described by Schwartz, the system can be used

to publish documents, such as sales reports, on a periodic basis. See *Schwartz*, column 11, lines 1-28.

4. Discussion of the Rejections

In the final Office Action and the Advisory Action, the Examiner argued that one cannot show nonobviousness by attacking references individually. Regardless, Applicant identifies the shortcomings of the various references below to point out how the references fail to teach the various aspects that the Examiner describes them as disclosing. Applicant knows of no other way to explain why the rejection fails to address each of Applicant's express limitations. Furthermore, Applicant addresses the deficiencies in the proffered combination and why that combination fails to render Applicant's claims obvious.

(a) Issues Regarding the Ghannam Reference

In the final Office Action, the Examiner argued that Ghannam teaches each of:

- *notifying designated subscribers about logged events according to criteria indicated by subscriber profiles;*
- *selectively generating subscription reports according to criteria indicated by the subscriber profiles; and*
- *sending subscription reports to designated subscribers according to criteria indicated by the subscriber profiles.*

Applicant disagrees, as is discussed in the following.

(1) “Notifying Designated Subscribers. . .”

As a first matter, Ghannam does not teach “notifying designated subscribers” about logged events according to criteria “indicated by subscriber profiles” as argued by the Examiner. In support of his argument, the Examiner cited column 27, lines 15-27 of the Ghannam disclosure, which provides:

FIG. 14 is a representation of a graphical user interface for configuring a network link report. As discussed above, *information stored from various data sources may be accessed by an application 202*. For example, information may be collected from multiple network domains by multiple network management systems. This information may be consolidated or combined in data warehouse 203. Interface 1401 accepts parameters from a user to present to the user utilization statistics based on links in the network. In particular, system 203 may show a graph 1402 to an administrator to show the percent utilization for links of systems based on a specified time period. Also, the graph 1402 may be based on the number of bytes, packets, or other parameter used to show capacity of a communication link.

Ghannam, column 27, lines 15-27 (emphasis added).

Although the above excerpt from the Ghannam disclosure describes using “parameters from a user to present to the user utilization statistics,” Applicant notes that the excerpt does *not* concern Ghannam’s invention, i.e., the data management system 210 that collects data from the various data sources. Instead, the excerpt describes operation of a separate “application” 202 that a user can use to parse through the data that

is collected by the data management system 210. In other words, Ghannam's data management system 210 does not, as suggested by the Examiner, *notify* designated *subscribers* according to criteria indicated by *subscriber profiles* the management system comprises or refers to.

Instead of using such subscriber profiles, Ghannam's data management system 210 only collates the collected data according to "policies" that are established by a system administrator. As is described by Ghannam:

. . . data management system 210 receives information from one or more data sources, processes the information according to policies, and stores the information in a data warehouse. *The data warehouse can be accessed by applications* that perform analysis with the data.

Ghannam, column 4, lines 37-42 (emphasis added).

Accordingly, Ghannam's system does not "notify" "subscribers" based upon their individual "subscriber profiles". Instead, Ghannam's system merely collects certain information as specified by the administrator, and leaves it to the various users to manually execute an appropriate "application" to extract the pieces of information about which the user is interested.

In the both the final Office Action and the Advisory Action, the Examiner argued that Ghannam does in fact disclose a user profile, and cited column 27, lines 15-27 of the Ghannam reference for support. That portion of the Ghannam reference provides as follows:

FIG. 14 is a representation of a graphical user interface for configuring a network link report. As discussed above, information stored from various data sources may be accessed by an application 202. For example, information may be collected from multiple network domains by multiple network management systems. This information may be consolidated or combined in data warehouse 203. Interface 1401 accepts parameters from a user to present to the user utilization statistics based on links in the network. In particular, system 203 may show a graph 1402 to an administrator to show the percent utilization for links of systems based on a specified time period. Also, the graph 1402 may be based on the number of bytes, packets, or other parameter used to show capacity of a communication link.

Ghannam, column 27, lines 15-28. As can be appreciated from the above, Ghannam says nothing about user profiles column 27, lines 15-28. Once again, information is extracted from a database to create a report using an “application.” In particular, “parameters” are provided by the user with the application to obtain the desired information. The mere mention of the word “parameters” does not, however, equate to a teaching of using user profiles to collect data. The term “profile” is used in the relevant art to refer to a stored set of data that is reflective of the nature or preferences of a person or other entity and is often used in making decisions, such as what data to provide to the user. For example, retail web sites such as Amazon.com use stored user profiles to determine what types of books to present to the user in hopes of generating sales. That meaning of the term “profile” is consistent with Applicant’s claim language and specification. For example, claim 1 identifies a “subscriber profile system for storing information relating to subscribers”. Therefore, described is a system that stores information regarding users in a profile. Regarding Applicant’s specification, Applicant states that

The subscriber profile system, in contrast, stores user's information. Using the subscriber profile system, users can set up or edit their subscriber profile preferably by using a web page on the Internet. . . .

Subscribers, using the "specify event data" field, can indicate the kind of event data that an automatic notification should be sent to them whenever the MREP receives such data.

Applicant's specification, page 7, lines 3-6 and 21-23. Clearly, Ghannam describes nothing like that described in the above excerpt. In particular, no profile concerning a user's information is stored and then consulted. Applicant notes that it is well established in the law that claim terms *must* to be interpreted in light of the specification. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 34 USPQ2d 1321 (Fed. Cir. 1995)(in banc), *aff'd*, 517 U.S. 370, 38 USPQ2d 1461 (1996) ("Claims must be read in view of the specification, of which they are a part").

(2) "Generating Subscription Reports . . ."

Ghannam further does not teach selectively "generating subscription reports" according to criteria "indicated by the subscriber profiles", as argued by the Examiner. Although, as described above, Ghannam teaches generating a data warehouse that can be "accessed by applications," that certainly does not equate to generating a "subscription report". In particular, it is clear that Ghannam's data warehouse is in no way "subscription based. Accordingly, Ghannam does not in fact teach generating any "subscription reports".

As a further point, Applicant notes that Ghannam teaches no “subscriber profiles”. Specifically, as noted above, Ghannam does not contemplate any “subscription” based dissemination of information. Moreover, Ghannam does not contemplate the concept of a “profile”. At best, Ghannam can be said to teach collecting “management data” according to parameters established by an administrator. See *Ghannam*, column 27, lines 15-27. No “profile”, however, is even envisioned by Ghannam.

(3) “Sending Subscription Reports. . .”

Ghannam also does not, as argued by the Examiner, teach “sending subscription reports” to designated subscribers according to criteria “indicated by the subscriber profiles”. Again, Ghannam’s data management system simply collects data that can be accessed by users with an appropriate “application”. Hence, no report is “sent” by Ghannam’s system. Furthermore, as stated above, Ghannam does not contemplate a “subscriber” based system. It therefore follows that Ghannam does not send a “subscription” report to a “subscriber”.

As a further point, Ghannam does not teach sending the subscription report to the subscriber “according to criteria indicated by the subscriber profiles”. Once again, Ghannam does not contemplate the concepts of a “subscriber” or a subscriber “profile”.

(4) Conclusion as to the Ghannam Reference

In view of the above, Ghannam fails to teach multiple limitations of Applicant’s claims. Given that neither Barrett nor Schwartz provide the missing teachings, Applicant’s

claims are allowable over the Ghannam/Barrett/Schwartz combination at least for the deficiencies described above.

(b) Issues Regarding the Barrett Reference

In the final Office Action, the Examiner acknowledged various deficiencies of the Ghannam reference, but argued that Barrett remedies most of the those deficiencies. For example, the Examiner argued that Barrett teaches:

- automatically sending subscription reports to designated subscribers according to criteria indicated by the subscriber profiles.

Applicant again disagrees. As a first matter, Applicant notes that neither Ghannam nor Barrett comprises any suggestion or motivation for combination of their respective teachings or modification of the Ghannam system to incorporate features of the Barrett system. Again, Ghannam teaches a system for managing data such as “trap information, topology data, configuration information, network object data, performance data or any other data regarding computer systems management.” *Ghannam*, column 7, lines 18-21. Barrett, on the other hand, teaches a system for *advertising the services of two network servers* from a single network node. Therefore, it is questionable why a person having ordinary skill in the art would even consider consulting the Barrett reference in contemplating a modification of the Ghannam system. It is further questionable why a person having ordinary skill in the art would think to add Barrett’s teaching of logging

printer information to Ghannam's system when Ghannam does not appear to be concerned with collecting any information about printers.

Given the apparent lack of a suggestion or motivation contained in the prior art, it appears clear that the only suggestion or motivation comes from Applicant's own disclosure. As is well established in the law, such hindsight to the Applicant's own disclosure is *per se* improper. See *Crown Operations International, Ltd. v. Solutia, Inc.*, 289 F.3d 1367, 62 USPQ2d 1917 (Fed. Cir. 2002) (a determination of obviousness cannot be based on a hindsight combination of components selectively culled from the prior art to fit the parameters of the invention).

In this case, the Examiner clearly is "selectively culling" prior art references with the intention of rejecting Applicant's claims and without regard to reasonableness of the proffered combination. Although the Examiner argued in the final Office Action that hindsight reconstruction was not used in combining the references and rejecting Applicant's claims, Applicant respectfully disagrees for the simple reason that, because the teachings of the references are so different, a person having ordinary skill in the art would not think to combine them without "gleaning knowledge" from Applicant's own disclosure. In response to the Examiner's identification to column 14, lines 42-43 of the Barrett reference as purportedly providing motivation for the combination of the Ghannam and Barrett references, a mere statement that "logs can be kept of print job flow, print engine usage, and network behavior" does *not* comprise an actual suggestion or motivation to add aspects of Barrett's advertising system to Ghannam's management system. Furthermore, Applicant asserts that "the knowledge generally available to one of the ordinary skill in the art" clearly is *not* a legitimate statement of suggestion/motivation to

combine Ghannam, Barrett, and Schwartz. If the requirement for establishing suggestion/motivation were that simple to satisfy, that requirement would be meaningless.

Aside from the lack of proper motivation to combine the references, Applicant notes that, contrary to that argued by the Examiner, Barrett does *not* teach automatically sending subscription reports to designated subscribers according to criteria indicated by subscriber profiles. Although Barrett contemplates an “automatic logging function,” Barrett is silent as to “sending” reports to anyone. A network administrator may “extract” statistics from Barrett’s logged information, but *nothing* is sent out by Barrett’s system. Furthermore, Barrett, like Ghannam, does not contemplate a “subscription” based system. Accordingly, Barrett does not teach sending “subscription” reports to “subscribers”. Moreover, Barrett, like Ghannam, does not contemplate the concept of a subscriber “profile”. Barrett says *nothing* of a profile being created or being used to determine what information to collect or provide.

In view of the above, Barrett also fails to teach limitations of Applicant’s claims. Therefore, Applicant’s claims are also allowable over the Ghannam/Barrett/Schwartz combination for that reason.

(c) Issues Regarding the Schwartz Reference

In the final Office Action, the Examiner acknowledged various deficiencies of the Ghannam and Barrett references, but argued that Schwartz provides a missing teaching. In particular, the Examiner stated that Schwartz teaches:

- subscribers that automatically receive reports on a weekly basis.

Applicant agrees that Schwartz teaches distribution of weekly reports. Regardless, that teaching fails to remedy all of the deficiencies of the Ghannam and Barrett references identified in the foregoing. For example, with specific regard to Applicant's claimed "automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles" and "automatically sending periodic subscription reports to designated subscribers according to criteria indicated by the subscriber profiles", Applicant notes that Schwartz's mere teaching of sending weekly "sales reports" to "managers" does little to account for notifying subscribers about "logged events" that pertain to "peripheral devices" according to subscriber "profiles". Moreover, Schwartz says *nothing* about peripheral device events and is also silent as to the concept of a subscriber "profile".

As a further matter, Applicant notes that the prior art does not provide any suggestion or motivation to combine the Schwartz teachings with either the Ghannam or Barrett teachings. Again, Schwartz teaches a system for sending reports about sales data. Given that neither Ghannam nor Barrett contemplate sending reports or sales data, a person having ordinary skill in the art would not think to modify either of the Ghannam or Barrett systems to provide weekly reports like Schwartz's sales reports. Indeed, it appears that Ghannam specifically *teaches away* from such an arrangement given his apparent preference for accessing data using a "program" such as SQL. Again the only suggestion or motivation to combine and modify Ghannam's teachings comes from hindsight reference to Applicant's own disclosure. Such hindsight to the Applicant's own disclosure is *per se* improper.

(d) Conclusion

In summary, it is Applicant's position that:

- (i) Ghannam fails to teach limitations that the Examiner identifies Ghannam as teaching;
- (ii) Barrett fails to teach limitations that the Examiner identifies Ghannam as teaching; and
- (iii) there is no legitimate motivation for combining the references or modifying the systems disclosed in those references in the manner identified by the Examiner.

Therefore, it is requested that the rejection be overturned.

B. Rejection of Claims 13-16 and 19

Claims 13-16 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ghannam*, *Barrett*, and *Schwartz* in view of *Bowman-Amuah* (U.S. Pat. No. 6,571,282). Applicant respectfully traverses this rejection.

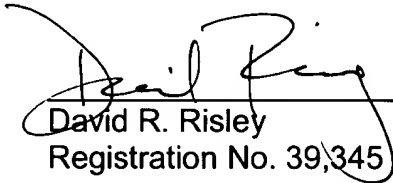
As is identified above, Ghannam and Barrett do not teach several aspects of Applicant's claims. In that Bowman-Amuah does not remedy the deficiencies of the Ghannam, Barrett, and Schwartz references, Applicant respectfully submits that claims 13-16 and 19, which depend from claims 1 and 17, are allowable over the Ghannam/Barrett/Schwartz/Bowman-Amuah combination for at least the same reasons that claims 1 and 17 are allowable over Ghannam/Barrett/Schwartz.

VIII. Conclusion

In summary, it is Applicant's position that Applicant's claims are patentable over the applied prior art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,

By:

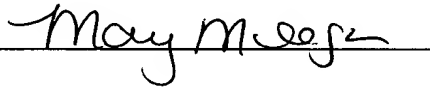

David R. Risley
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Claims Appendix under 37 C.F.R. § 41.37(c)(1)(viii)

The following are the claims that are involved in this Appeal.

1. A method for reporting event data to requesting subscribers using a manufacturing repository for collecting event data that is connected to a subscriber profile system for storing information relating to subscribers and a production system for storing information relating to manufacturing, comprising:

gathering event data from a plurality of peripheral devices connected to the manufacturing repository, the event data relating to events that have occurred at the peripheral devices;

saving the event data to a database;

automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles;

selectively generating periodic subscription reports according to criteria indicated by the subscriber profiles; and

automatically sending periodic subscription reports to designated subscribers according to criteria indicated by the subscriber profiles.

2. The method according to claim 1 wherein the event data comprises information relating to any one from the group of region, manufacture, model or customer identification.

3. The method according to claim 1 wherein the subscription report comprises information in the form of text, tables, charts and/or graphs.

4. (Canceled)

5. The method according to claim 1 further comprising:
receiving a request to set up or change a subscriber profile;
receiving new subscriber information and entering it to a subscriber profile; and
saving the new subscriber profile to the manufacturing repository.

6. The method according to claim 5 wherein entering new subscriber information comprises:

entering contact information of the subscriber;
entering subscriber's desired notification request;
entering subscription report criteria; and
entering designated time cycle for subscription report.

7. The method according to claim 6 wherein the time cycle includes any one from the group of none, daily, weekly, monthly, quarterly or yearly.

8. The method according to claim 5 further comprising, prior to saving the new subscriber profile, receiving the new subscriber profile by the manufacturing repository.

9. The method according to claim 1 further comprising, prior to gathering event data: receiving the event data by the manufacturing repository.

10. The method according to claim 1 wherein automatically notifying designated subscribers comprises:

searching the subscriber profile for notification requests for the event data according to the requested criteria;

determining whether there are any notification requests for the event data;

composing notifications for each notification request determined in the subscriber profile; and

sending out the notifications to the requesting subscriber.

11. The method according to claim 10 further comprising idling until the manufacturing repository receives the event data.

12. The method according to claim 10 wherein the requested criteria includes any one from the group of event occurrence by page count, event occurrence by region, event occurrence by manufacturing information, event occurrence by device model, or event occurrence by customer.

13. The method according to claim 1 wherein generating periodic subscription reports comprises:

searching the subscriber profile for any scheduled subscription report due;
determining whether there is any scheduled subscription report due; and
accessing information relating to the subscriber of any predetermined scheduled subscription report due.

14. The method according to claim 13 further comprising updating information from the subscriber profile.

15. The method according to claim 13 further comprising:
accessing the information relating to the manufacturing repository from the production system; and
updating information from the production system.

16. The method according to claim 13 further comprising:
sorting the information for the scheduled subscription report according to the criteria of the requesting subscriber profile; and
formatting the information to generate the report.

17. A computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when executed causes a computer to:

gather event data from a plurality of peripheral devices connected to a manufacturing repository, the event data relating to events that have occurred at the peripheral devices;

save the event data to a database;

automatically notify designated subscribers about logged events according to criteria indicated by subscriber profiles;

selectively generate periodic subscription reports according to criteria indicated by the subscriber profiles; and

automatically send the periodic subscription report to designated subscribers according to criteria indicated by the subscriber profiles.

18. The product according to claim 17 wherein automatically notifying designated subscribers comprises:

searching the subscriber profile for notification requests for the event data according to the requested criteria;

determining whether there are any notification requests for the event data;

composing notifications for each notification request determined in the subscriber profile; and

sending out the notifications to the requesting subscriber.

19. The product according to claim 17 wherein generating periodic subscription reports comprises:

searching the subscriber profile for any scheduled subscription report due;
determining whether there is any scheduled subscription report due; and
accessing information relating to the subscriber of any predetermined scheduled subscription report due.

20. The method according to claim 1, wherein the event data comprises one or more of paper jams, low memory conditions, and undefined paper size conditions.

Evidence Appendix under 37 C.F.R. § 41.37(c)(1)(ix)

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

Related Proceedings Appendix under 37 C.F.R. § 41.37(c)(1)(x)

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.